



Legislative Bulletin.....June 15, 2007

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H.R. 2642—PART I—Amendments to the Military Construction and Veterans Affairs Appropriations Act, 2008

H.R. 2642, the Military Construction and Veterans Affairs Appropriations Act, 2008 (sponsored by Rep. Chet Edwards, D-TX), is scheduled to be considered on the House floor on Friday, June 15, 2007, subject to an open rule (H.Res. 480), making in order any germane amendment under the five-minute rule. The rule allows one motion to recommit with or without instructions.

The rule waives all points of order against consideration of the bill, except those regarding PAYGO and earmarks and allows the Chair to postpone consideration of the legislation at any time during its consideration. The rule also waives the no-authorizing-on-appropriations point of order against provisions in the underlying bill.

Note: The summaries below are based on RSC staff's review of *actual amendment text*. For a summary of the underlying bill, see a separate RSC document.

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Amendments Pre-Filed in the Congressional Record

1. Garrett (R-NJ):

- Reduces by \$10 million: Veterans Affairs Departmental Administration (currently \$1.6 billion)
- Increases by \$10 million: Grants for construction of state extended care facilities (currently \$165 million). According to Rep. Garrett's office, "this account currently has a backlog of projects waiting for federal funding."

2. Blumenauer (D-OR)/ Brown-Waite (R-FL):

- Increases by \$50 million: the 1990 Base Realignment and Closure (BRAC) account (currently \$270.7 million)
- Reduces by \$201 million: the 2005 BRAC account (currently \$8.17 billion)

3. Hall (D-NY): Prohibits funds from being used to provide to any officer of the Department of Veterans Affairs who is appointed by the President, by and with the consent of the Senate, or to any Deputy Under Secretary or Deputy Assistant Secretary of the Department of Veterans Affairs, a

performance award under section 5384 of title 5, United States Code, or a performance-based cash award under section 4505a of such title.

4. Capito (R-WV): Conditions the obligation or expenditure of \$10 million of the \$1.6 billion in Veterans Affairs Departmental Administration funds on the Secretary of Veterans Affairs submitting to the House of Representatives an executable plan, to be implemented not later than January 1, 2010, for maintaining medical records that are interoperable between the Department of Veterans Affairs and the Department of Defense.

5. Capito (R-WV): Directs the Secretary of Veterans Affairs to carry out a pilot program in five rural states to provide specific case managers for traumatic brain injury patients in Department of Veterans Affairs facilities. The Secretary would have to:

- “coordinate with local medical centers and Department of Veterans Affairs facilities to properly train the case managers;
- “determine an appropriate ratio of patients to each case manager to ensure patients receive proper and efficient treatment;
- “utilize case managers to enter into contracts with local private health care providers to provide local care to traumatic brain injury patients who are eligible to receive care at Department of Veterans Affairs medical facilities, if appropriate, so such patients are not forced to travel long distances to receive care; and
- “reimburse private providers for the care provided to traumatic brain injury patients who are eligible to receive care at Department of Veterans Affairs medical facilities when no appropriate Department facility is available.”

6. Drake (R-VA): Directs the Secretary of Veterans Affairs to submit to Congress, not later than 90 days after this bill’s enactment, a report on the status of the number of pending disability benefit claims and the actions taken by the Secretary to reduce processing time for veterans disability claims.

7. Conaway (R-TX): Expresses a sense of the House of Representatives that any reduction in the amount appropriated by this Act achieved as a result of amendments adopted by the House should be dedicated to deficit reduction.

8. Franks (R-AZ): Strikes Section 125 of the underlying bill:

None of the funds made available in this title under the heading “North Atlantic Treaty Organization Security Investment Program,” and no funds appropriated for any fiscal year before fiscal year 2008 for that program that remain available for obligation, may be obligated or expended for the conduct of studies of missile defense.

9. Walz (D-MN): Reduces by \$1 million: Veterans Affairs Departmental Administration, General Operating Expenses (currently \$1.6 billion).

Increases by \$1 million: The amount of funds for the Inspector General that are to remain available until September 30, 2009 (currently \$3.6 million out of \$76.5 million). Reserves this \$1 million for the Secretary of Veterans Affairs and the Secretary of Defense to develop performance measures for

determining progress toward the sharing of Department of Veterans Affairs and Department of Defense health care resources.

10. Capito (R-WV): Conditions \$10 million of the \$1.6 billion for Veterans Affairs Departmental Administration, General Operating Expenses, on the Secretary of Veterans Affairs submitting a report to Congress outlining the progress and plan for implementation of the Office of Rural Health within the Office of the Under Secretary for Veterans Health (“which shall be fully implemented by January 1, 2008”).

11. Capito (R-WV): Conditions \$10 million of the \$1.86 billion for Veterans Affairs Information Technology Systems on the Secretary of Veterans Affairs submitting to the House of Representatives an executable plan, to be implemented not later than January 1, 2010, for maintaining medical records that are interoperable between the Department of Veterans Affairs and the Department of Defense.

12. Donnelly (D-IN): Directs the Secretary of Veterans Affairs to submit to Congress (within 30 days of the enactment of this bill) a report explaining what is being done to implement the eight open recommendations made to the Secretary by the Government Accountability Office for improving the timeliness, accuracy and consistency of disability claims processing by the Department of Veterans Affairs, as recorded in a letter dated May 25, 2007, sent by the Government Accountability Office to the President’s Commission on Care for America’s Returning Wounded Warriors (GAO-07-906R).

13. Blackburn (R-TN): Strengthens the language in the underlying bill about e-commerce to say that “All departments and agencies funded under this Act are **directed**, within the limits of the existing statutory authorities and funding, to expand their use of ‘E-Commerce’ technologies and procedures in the conduct of their business practices and public services activities.” The original language merely “encourages” e-commerce.

14. Pence (R-IN): Prohibits funds from being used for construction of a structure or purchase of equipment for the purpose of performing abortions.

15. Jackson-Lee (D-TX): NOTE: This amendment has an error in its header and thus will likely not be offered. See amendment #16 below. Directs the Secretary of Veterans Affairs to increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which would include using the services of existing health care entities. At least one of these existing institutions would have to:

- be located in an area defined as a HUBzone (as the term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;
- be located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom as May 1, 2007; and
- have at least 20 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

16. Jackson-Lee (D-TX): Directs the Secretary of Veterans Affairs to increase the number of medical centers specializing in post-traumatic stress disorder in underserved urban areas, which would include using the services of existing health care entities. At least one of these existing institutions would have to:

- be located in an area defined as a HUBzone (as the term is defined in section 3(p) of the Small Business Act (15 U.S.C. 632(p)) on the basis of one or more qualified census tracts;
- be located within a State that has sustained more than five percent of the total casualties suffered by the United States Armed Forces in Operation Enduring Freedom and Operation Iraqi Freedom as May 1, 2007; and
- have at least 20 years experience and significant expertise in providing treatment and counseling services with respect to substance abuse, alcohol addiction, and psychiatric or stress-related disorders to populations with special needs, including veterans and members of the Armed Forces serving on active duty.

17. Price (R-GA): Reduces by \$50 million: The 1990 Base Realignment and Closure (BRAC) account (currently \$270.7 million).

Increases by \$22 million: Veterans Health Administration, Medical Services (currently \$28.9 billion).

Amendment NOT Pre-Filed in the Congressional Record

Musgrave (R-CO)/ Salazar (D-CO). Prohibits the use of funds from being used for any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site in southeastern Colorado.

Background provided by Rep. Musgrave's office: On February 14, 2007, the Army announced that it would expand the current 236,000-acre Pinon Canyon Maneuver Site in Colorado by adding 418,000 acres ("making it larger than metropolitan Denver"). The Army would obtain most of this land via eminent domain from unwilling landowners. Last month, Colorado's Democratic Governor, Bill Ritter, signed a bill into law *withdrawing* the consent to allow the Army to condemn land for the expansion of the Pinon Canyon Maneuver Site. The bill passed through the Democratic House and Senate. The National Cattlemen's Beef Association is supporting this amendment. To see a website dedicated to opposing this proposed federal taking of land, go here:

<http://www.pinoncanyon.com/>.

Background provided by the Army: In a letter to the House Appropriations Committee, Keith Eastin, Assistant Secretary of the Army for Installations and Environment, wrote, "The Army wishes to expand [the site] in order to provide our Soldiers with the best, most realistic, and doctrinally sound training possible....The Army's need for US-based training and maneuver space will increase significantly as a result of the planned return of approximately 70,000 troops from overseas bases....The Army currently has an overall training land shortfall of 2 million acres in the continental U.S., and that shortfall is projected to increase to approximately 5 million acres when stationing actions (Global Repositioning, BRAC, Modularity) are complete in 2011."

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